

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY JOHN CURLEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00145-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

(ECF Nos. 5, 28)

FOURTEEN DAY DEADLINE

On January 29, 2020, Plaintiff Larry John Curlee, proceeding *pro se* and *in forma pauperis*, filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for benefits pursuant to the Social Security Act. (ECF No. 1.) On May 4, 2021, the Court lifted the stay of this action and directed the parties to proceed under the scheduling order issued on January 31, 2020. (ECF Nos. 5, 21.) On August 26, 2021, given that no filings indicating that confidential letter briefs had been served or exchanged in this action, and given Plaintiff’s *pro se* status, the Court found good cause to amend the scheduling order and order the parties to proceed directly into a simplified briefing schedule, waiving the requirement to exchange confidential letters. (ECF No. 30.) The Court also broadened the time for Plaintiff to file an opening brief pursuant to his request, and ordered an opening brief to be filed within forty-five (45) days of service of the order. (Id.)

1 The deadline to file the opening brief has passed and Plaintiff has neither filed a brief nor
2 requested a further extension of time to do so. Local Rule 110 provides that “[f]ailure of counsel
3 or of a party to comply with these Rules or with any order of the Court may be grounds for
4 imposition by the Court of any and all sanctions . . . within the inherent power of the Court.”
5 The Court has the inherent power to control its docket and may, in the exercise of that power,
6 impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles
7 County, 216 F.3d 837, 841 (9th Cir. 2000).

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff SHALL SHOW CAUSE IN
9 WRITING why this action should not be dismissed for failure to prosecute within **fourteen (14)**
10 **days** of the date of service of this order. Failure to comply with this order to show cause shall
11 result in the recommendation that this action be dismissed for failure to prosecute.

12 IT IS SO ORDERED.

13
14 Dated: **October 14, 2021**


UNITED STATES MAGISTRATE JUDGE